

Calendar No. 920

91ST CONGRESS }
2d Session }

SENATE

{ REPORT
No. 91-919

AMENDING THE ACT OF OCTOBER 25, 1949 (63 STAT. 1205), AUTHORIZING THE SECRETARY OF THE INTERIOR TO CONVEY A TRACT OF LAND TO LILLIAN I. ANDERSON

JUNE 9, 1970.—Ordered to be printed

Mr CHURCH, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 2012]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 2012) to amend the act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

This bill, H.R. 2012, would correct an error in the land description as it appears in the act of October 25, 1949, authorizing the Secretary of the Interior to convey approximately 5.05 acres of the Hualapai Indian School Reserve, Mohave County, Ariz., to Lillian I. Anderson, without compensation.

BACKGROUND

The Hualapai Indians desired to convey the land to Mrs. Anderson as a token of their gratitude for the splendid work she had done for them during her long term of service as their missionary. This small tract had been occupied and used for many years by Mrs. Anderson for missionary purposes and during that period substantial improvements had been placed upon the land.

In the 1949 act the land is described as "Beginning at a heavy steel railroad rail embedded in the ground along the southeasterly two hundred foot right-of-way boundary line of the Atchison, Topeka and Santa Fe Railway, from which the *southeast* corner of section 10, township 23 north, range 13 west, Gila and Salt River Meridian Mo-

have County, Arizona * * *” (emphasis supplied). The correct description should read “* * * the northeast corner of Section 10 * * *”. H.R. 2012 would correct this error and remove a possible cloud on the title by permitting the Secretary to issue a corrective deed.

HOUSE COMMITTEE AMENDMENT

The Department of the Interior recommended and the House Interior and Insular Affairs Committee adopted an amendment to H.R. 2012 to make it clear which “southeast corner” is to be changed and corrected in the 1949 act.

COST

No increase in budgetary requirements is involved in H.R. 2012.

COMMITTEE RECOMMENDATIONS

The Senate Committee on Interior and Insular Affairs recommends enactment of H.R. 2012.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior, as submitted to the House Interior and Insular Affairs Committee, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 9, 1969.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department of H.R. 2012, a bill in amend the act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson.

We recommend enactment of the bill if amended as proposed in this report.

The bill corrects an error in the land description in the act of October 25, 1949 (63 Stat. 1205), and authorizes the Secretary of the Interior to issue a corrective deed to Lillian I. Anderson, or her heirs, devisees or assigns.

The 1949 act authorized the Secretary of the Interior to convey approximately 5.05 acres of the Hualapai Indian School Reserve, Mohave County, Ariz., to Lillian I. Anderson, of Valentine, Ariz., without consideration. The Hualapai Indians desired to convey the land to Mrs. Anderson as a token of their gratitude for the splendid work she had done for them during her long term of service as their missionary. This small tract had been occupied and used for many years by Mrs. Anderson for missionary purposes. Substantial improvements had been constructed for use in connection with her missionary work and welfare activities. Mrs. Anderson at that time had been doing missionary work among the Hualapai Indians for over 30 years and lived continuously on this land.

In the 1949 act the land is described as "Beginning at a heavy steel railroad rail embedded in the ground along the southeasterly two hundred foot right-of-way boundary line of the Atchison, Topeka and Santa Fe Railway, from which the *southeast* corner of section 10, township 23 north, range 13 west, Gila and Salt River Meridian, Mohave County, Arizona, * * * " (emphasis supplied). The correct description should read "* * * the *northeast* corner of section 10 * * * ." Under the language of the act it is impossible to locate this property in the southeast quarter of section 10 and tie it in with other legal points and descriptions.

This error was called to the attention of the Bureau of Indian Affairs by the Mohave County Assessor. That office had first consulted the State of Arizona Division of Appraisal and Assessment Standards and they confirmed the error. With this error in the act and in the deed executed by this Department, a possible cloud exists on the title. The enactment of this legislation will enable the Secretary of the Interior to issue a corrective deed to remove this cloud.

Since the words "southeast corner" appear more than once in section 1, paragraph 2 of the 1949 act, the bill must be amended to make it clear which "southeast corner" is to be changed. We therefore recommend that the bill be amended by inserting the words "where it appears the first time" after the words "southeast corner" on line 5 of the bill.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, H.R. 2012, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

ACT OF OCTOBER 25, 1949 (63 STAT. 1205)

That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to Lillian I. Anderson, of Valentine, Arizona, without consideration, the following-described tract of land in the Hualapai Indian School Reserve, Mohave County, Arizona: That tract of land, seven hundred and thirty feet long and three hundred feet wide, lying along and adjacent to the southeasterly boundary line of the Atchison, Topeka, and Santa Fe Railway in the southeast quarter of section 10, township 23 north, range 13 west, Gila and Salt River Meridian, containing five and five one-hundredths acres more or less, which tract is more particularly described as follows:

Beginning at a heavy steel railroad rail embedded in the ground along the southeasterly two hundred foot right-of-way boundary line of the Atchison, Topeka, and Santa Fe Railway, from which, the [southeast corner] *northeast corner* of section 10, township 23 north, range 13 west, Gila and Salt River Meridian, Mohave County,

Arizona, bears north thirty-four degrees fifty-five minutes east four thousand two hundred and fifty feet more or less, and from which, the four inches by four inches wood marker for United States 66 Highway station 1406-45A on the northwesterly boundary of the State Highway right-of-way bears south seventy-one degrees thirty-seven minutes west, a distance of three hundred seventy and two-tenths feet; thence south twenty-four degrees fifty-eight minutes west along the said southeasterly right-of-way boundary of the Atchison, Topeka, and Santa Fe Railway, a distance of two hundred and ninety feet to a point marked by an iron pipe, and thence two hundred and ninety feet more along this same course being a total of five hundred and eighty feet from the place of beginning to the southwest corner of the parcel of land being described marked by an iron pipe; thence, at right angle to the first course, south sixty-five degrees two minutes east a distance of three hundred feet to the southeast corner of the parcel of land marked by an iron pipe; thence north twenty-four degrees fifty-eight minutes east, and parallel to the first course, a distance of seven hundred and thirty feet to the northeast corner of the parcel of land marked by an iron pipe; thence, north sixty-five degrees two minutes west, a distance of three hundred feet to the northwest corner of the parcel of land marked by an iron pipe, being a point of intersection with the southeasterly boundary of the Atchison, Topeka, and Santa Fe Railway right-of-way; thence south twenty-four degrees fifty-eight minutes west, along the southeasterly right-of-way, a distance of one hundred and fifty feet to the place of beginning.

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